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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,803	11/20/2001	Mithila Raman	41370	8844

22206 7590 11/24/2004

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EXAMINER

NOLAN, DANIEL A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/988,803

Applicant(s)

RAMAN ET AL.

Examiner

Daniel A. Nolan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/11/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the specification for item 404 is a *button* (5<sup>th</sup> line ¶[0026] – while *text* is indicated for item 404 (in figures 4 and 6). The Examiner is proceeding with the understanding that the label “404” should have followed the word “message”.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “404” (in figures 4, 5 and 6) has been used to designate both “button” (3<sup>rd</sup> line ¶[0027]) and “message” (5<sup>th</sup> line ¶[0026] & 3<sup>rd</sup> line ¶[0028]).
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

- "Phonemes" is misspelled ([0020] line 6).

Appropriate correction is required.

5. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code (from the 1<sup>st</sup> line of page 8).

See MPEP § 608.01.

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

"Real Time Internet Transcript Presentation over Distributed Networks".

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7. The use of the trademark "Stentura 4000®" has been noted in this application ([0020] line 4). It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

8. Claims 7, 9, 17 and 19 are objected to because of the following informalities:

- Claims 7 and 9 contain the adverb "*periodically*". It is suggested to use a more precise definition.
- In claim 9, "a" should be "and" (last line).
- In claim 17, "if" should be "is" (2<sup>nd</sup> line).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Bennett et al<sup>'639</sup> & Saindon et al<sup>'055</sup>**

11. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being anticipated by Bennett et al<sup>'639</sup> (U.S. Patent 5,815,639 A) in view of Saindon et al<sup>'055</sup> (U.S. Patent 6,820,055 B2).

12. Regarding claims 1, 8 and 15; the invention of Bennett et al<sup>'639</sup> for a *computer-aided transcription system using pronounceable substitute text with a common cross-reference library* read on all the features of the claim *for providing a transcript of a live presentation* as follows:

- Bennett et al<sup>'639</sup> read on the feature of a *transcription device adapted to produce human readable text in real time from a spoken presentation* (Abstract, lines 3-5),

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- Bennett et al<sup>'639</sup> read on the feature *to produce formatted text from the human readable text for display on a display device (i.e., bit-mapped – see column\_28 lines 42-43), and*
- Bennett et al<sup>'639</sup> read on the feature of *a server connected to a network* with the claim 20, which describes the components of a typical *centralized processing system*, which intrinsically places the *server* at the central position.

However, Bennett et al<sup>'639</sup> do not specifically disclose the role of the central/server *storing transcripts*. The invention of Saindon et al<sup>'055</sup> *for automated audio transcription, translation, and transfer with text display software for manipulating the text* read on the feature of *a server* (column\_19 line 52) *connected to a network* (column\_19 line 54) *for storing the formatted text in a file* (column\_23 lines 7-25 – see figures 5-7).

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Saindon et al<sup>'055</sup> to the device/method of Bennett et al<sup>'639</sup> so that the server may accommodate requests from more than one client to replay information.

13. Regarding claims 2, 9 and 16; the claims are set forth with the same limitations as claims 1, 8 and 15, respectively. Bennett et al<sup>'639</sup> read on the feature of *a client computer connected to the network* with the claim 18 (describing the client/terminal in relation to the central/server of claim 20) while claim 19 read on the feature of the *client computer being adapted to access the server and retrieve the file*.

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14. Regarding claims 3 and 10; the claims are set forth with the same limitations as claims 1 and 8, respectively. Bennett et al<sup>'639</sup> read on the feature where the *transcription device comprises a stenography machine* (Abstract lines 3-4 – see 11 in figure 1 and figure 2).

15. Regarding claims 4 and 11; the claims are set forth with the same limitations as claims 3 and 10, respectively. Bennett et al<sup>'639</sup> read on the feature where the *stenography machine produces phonemes that are translated into human readable text by the phoneme translator* (column 7 lines 23-26).

16. Regarding claims 5, 12 and 17; the claims are set forth with the same limitations as claims 1, 8 and 15, respectively. Bennett et al<sup>'639</sup> does not mention any Internet associations. Saindon et al<sup>'055</sup> read on the feature where the *formatted text comprises Hypertext Markup Language* (column 8 lines 13-24).

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Saindon et al<sup>'055</sup> to the device/method of Bennett et al<sup>'639</sup> to avoid setting up a network by using the Internet for communications.

17. Regarding claims 6, 13 and 18; the claims are set forth with the same limitations as claims 1, 8 and 15, respectively. Bennett et al<sup>'639</sup> does not mention any Internet



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associations. Saindon et al<sup>'055</sup> read on the feature where the *display device comprises a computer running web browser software* (column 7 line 52).

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Saindon et al<sup>'055</sup> to the device/method of Bennett et al<sup>'639</sup> to employ existing software that will run on ordinary equipment to provide locating and display operations.

18. Regarding claims 7, 14 and 19; the claims are set forth with the same limitations as claims 1, 8 and 15, respectively. Bennett et al<sup>'639</sup> read on the feature to *periodically update the file with new formatted text from the formatter* (column 12 lines 13-14 & 32, where the file is updated/refreshed by *other CAT commands include storing* – see 665 figure 14)

### **Conclusion**

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bennett et al<sup>'639</sup> (U.S. Patent 5,815,639 A) *computer-aided transcription system using pronounceable substitute text with a common cross-reference library.*
- Saindon et al<sup>'579</sup> (U.S. Patent Publication 2002/0161579 A1) *for automated audio transcription, translation, and transfer.*

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- Bennett et al<sup>'704</sup> (U.S. Patent 5,369,704 A) transcription network for manipulating real-time testimony in court - includes linked computer terminals for transcription of text from court reporter to examining and defending counsels and encrypted secure link between the councils.
- Weber et al (U.S. Patent 5,564,005 A) interactive system for producing, storing and retrieving information correlated with a recording of an event.
- Lumelsky (U.S. Patent 6,081,780 A) phonetic and prosody based information signal authoring system for single cast interactive radio system, has output unit coupled to converter to output composite encoded signal representing information content.
- Chung et al (U.S. Patent 6,115,686 A) data conversion method for HTML document to audio signals by receiving data of formatted document and parsing out content text and tags that structure control rules for translating to sound.
- Feller (U.S. Patent 6,298,326 B) off-site data entry system for medical transcription transmits typed text transcription telephonically to user, which is displayed on monitor of user, to view spoken words simultaneously.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Nolan whose telephone number is (703)305-1368. The examiner can normally be reached on Mon, Tue, Thu & Fri, from 7 AM to 5 PM. If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached at (703)305-9645.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)217-9197 (toll-free).

The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306. The fax phone number for Technology Center 2600 is (703)872-9314. Label informal and draft communications as "DRAFT" or "PROPOSED", and designate formal communications as "EXPEDITED PROCEDURE". Formal response to this action may be faxed according to the above instructions,

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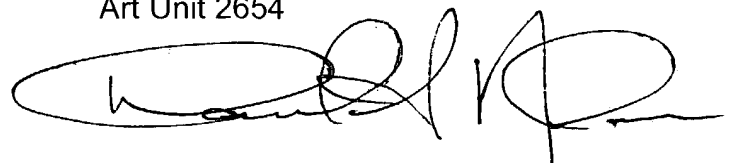
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or hand-deliver to: Crystal Park 2,  
2121 Crystal Drive, Arlington, VA,  
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office at telephone number (703) 306-0377.

Daniel A. Nolan  
Examiner  
Art Unit 2654

DAN/d  
November 20, 2004



DANIEL NOLAN  
PATENT EXAMINER